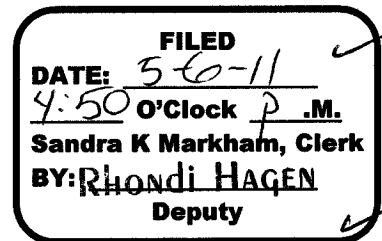


w/p

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: R. Hagen, Deputy Clerk

CASE NO. V1300CR201080049

DATE: May 6, 2011

TITLE:
STATE OF ARIZONA,

COUNSEL:
Yavapai County Attorney
By Sheila Polk
Bill Hughes
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

(Defendant)

Thomas K. Kelly
(Via Electronic Mail)
(For Defendant)
and
Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP
(Via Electronic Mail)
(For Defendant *Pro Hac Vice*)

HEARING ON:
JURY TRIAL – DAY 39

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:20 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Counsel for Defendant
Luis Li, *Pro Hac Vice* Counsel For Defendant
Truc Do, *Pro Hac Vice* Counsel For Defendant

The trial reconvenes with the Parties and the Jury present.

Dr. Archieaus Mosley, previously sworn, takes the witness stand and testifies.

Exhibit 580 is offered. There being an objection by Counsel for State, IT IS ORDERED sustaining the objection at this time. This Exhibit will be addressed at a recess.

Exhibit 998 is offered and admitted into evidence without objection.

The witness is reminded of the Rule of exclusion of witnesses and excused for a recess. The Jury is admonished and excused for a recess.

~~~Recess~~~

At 11:00 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

Dr. Archieaus Mosley resumes the witness stand and testifies further.

Exhibit 1001 is offered and admitted into evidence without objection.

The witness is reminded of the Rule of exclusion of witnesses and excused for the noon recess. The Jury is admonished and excused for the noon recess.

~~~Noon Recess~~~

At 1:40 p.m. the trial reconvenes with all previously appearing parties and the Jury present.

Dr. Archieaus Mosley resumes the witness stand and testifies further.

The Court and Counsel conduct a sidebar discussion on the record.

Testimony continues.

The witness is reminded of the Rule of exclusion of witnesses, excused for a recess and leaves the courtroom. The Jury is admonished, excused for a recess and leaves the courtroom.

Counsel for Defendant raises objections regarding witness testimony. Oral argument ensues. The Court recalls that the CO² aspect has been out there since 2009 and may be discussed. Further argument is presented regarding the language now showing up with Dr. Mosley. The Court will permit the question Counsel for State intends to ask.

~~~Recess~~~

At 3:35 p.m. the trial reconvenes with all previously appearing parties present. The Jury is not present.

Argument resumes regarding *Brady* violations and the Haddow report. The Court confirms that there is a motion for mistrial currently under advisement.

~~~Recess~~~

At 4:00 p.m. the trial reconvenes with all previously appearing parties and the Jury present.

Dr. Archieaus Mosley resumes the witness stand and testifies further.

The Court and Counsel conduct a sidebar discussion on the record. Witness Dr. Archieaus Mosley is asked and answers appropriate questions submitted by the Jury.

The witness is reminded of the Rule of exclusion of witnesses and excused subject to recall. The Jury is admonished and excused for the day.

The Court stands adjourned for the day.

END TIME: 4:50 p.m.

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)
Stone & Magnanini, Co-Counsel Brown Family (e)
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)
Division PTB (e)
Victim Services (e)
Court Administration
Customer Service Supervisor, Camp Verde Superior Court Bldg.